

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JOHNNY GONZALES,
Individually and on behalf of all others
similarly situated

Plaintiff,

v.

PIPE PROS, LLC

Defendant

§
§
§
§
§
§
§
§
§
§
§

Civil Action No. 2:15-cv-65

JURY TRIAL DEMANDED

**COLLECTIVE ACTION
PURSUANT TO 29 U.S.C. § 216(b)**

**PLAINTIFFS' MOTION FOR RECONSIDERATION OF THE COURT'S
AUGUST 14, 2015 ORDER DENYING CONDITIONAL CERTIFICATION**

Johnny Gonzales, Brandon Semar and Dustin Stafford, individually and on behalf of all others similarly situated (collectively “Plaintiffs”) hereby respectfully move for a reconsideration of the Court’s August 14, 2015 Order denying conditional certification. In particular, Plaintiffs respectfully request that the Court reconsider whether conditional certification is appropriate and should therefore be granted on the basis that other individuals—at a minimum, Brandon Semar and Dustin Stafford—are interested in joining this lawsuit against Defendant Pipe Pros, LLC (“Pipe Pros”).

Plaintiffs have now presented evidence that “other aggrieved employees would want to join the case.” *McKnight v. D. Houston, Inc.*, 756 F.Supp.2d 794, 805 (S.D. Tex. Nov. 18, 2010) (Rosenthal, J.) (citing *Lusardi v. Xerox Corp.*, 118 F.R.D. 351 (D.N.J. 1987).) Indeed, Plaintiff Semar (D.E. 17) worked for Pipe Pros as a “Floorhand” out of Pipe Pros’ Lafayette, Louisiana location from approximately December 2014 until August 2015. Moreover, Plaintiff Stafford (D.E. 18) worked for

Pipe Pros as a “Stabber” out of the Lafayette, Louisiana location from approximately September 2014 until July 2015.

Plaintiffs Semar and Stafford were paid pursuant to the same policy as Plaintiff Gonzales – a salary plus hourly job bonuses but no overtime. *See* D.E. 13-3, p. 4 ¶¶ 2, 5 (Declaration of Jose Acradio Marquez) (“I am currently employed by Pipe Pros, LLC (‘Pipe Pros’) as a Floorhand...[i]n addition to my monthly salary, I also earn an hourly bonus of \$12.”); *see also* D.E. 13-3, p. 11 ¶¶ 2, 5 (Declaration of Antonio Segura) (“I worked as a Tong Operator/Stabber for over two years...[t]hroughout my tenure with Pipe Pros, I have earned more than \$455 per week on a salary and/or fee basis...I am currently earning a monthly salary of \$5,000 and a hourly bonus of \$12 per hour when onsite.”)

Under these circumstances, and specifically the addition of two plaintiffs who worked in different locations and under different job titles but were paid the same way as Plaintiff Gonzales, Plaintiffs respectfully request that the Court reconsider its August 14, 2015 Order denying conditional certification. Specifically, Plaintiffs respectfully request that the Court find that Plaintiffs have met their minimal burden to show there is a reasonable basis for their allegations, the putative class members are similarly situated with regards to the claims and defenses asserted, and members of the potential class desire to opt-in to this lawsuit.

Plaintiff’s Motion for Conditional Certification and for Notice to Potential Class Members (D.E. Nos. 10 and 14) should therefore be granted and this Court should authorize notice in the form proposed to be issued by Plaintiffs to the Potential Class Members (D.E. 14-1).

Respectfully submitted,

By: /s/ Clif Alexander
Clif Alexander
Federal I.D. No. 1138436
Texas Bar No. 24064805
calexander@swhhb.com
Craig M. Sico
Federal I.D. No. 13540
Texas Bar No. 18339850
csico@swhhb.com
SICO, WHITE, HOELSCHER, HARRIS & BRAUGH LLP
802 N. Carancahua, Suite 900
Corpus Christi, Texas 78401
Telephone: 361/653-3300
Facsimile: 361/653-3333

AND

Timothy D. Raub
Federal I.D. No. 22942
Texas Bar No. 00789570
timraub@raublawfirm.com
RAUB LAW FIRM, P.C.
814 Leopard Street
Corpus Christi, Texas 78401
Telephone: 361/880-8181
Facsimile: 361/887-6521

**ATTORNEYS IN CHARGE FOR PLAINTIFFS AND
POTENTIAL CLASS MEMBERS**

CERTIFICATE OF CONFERENCE

I hereby certify that Plaintiffs' counsel has conferred with Pipe Pros' counsel. Pipe Pros' counsel indicated they are opposed to the filing of this Motion.

/s/ Clif Alexander
Clif Alexander

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 14th day of August 2015, a true and correct copy of the above and foregoing document was served upon the following counsel of record via the Court's electronic filing system in accordance with the Federal Rules of Civil Procedure.

Daniel Douglas Pipitone
Michael A. Harvey
MUNSCH HARDT KOPF & HARR, P.C.
700 Milam Street, Suite 2700
Houston, Texas 77002

Attorneys for Defendant Pipe Pros, LLC

/s/ Clif Alexander
Clif Alexander